



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

#### 5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> <li>Invocation and Pledge of Allegiance</li> <li>Presentations</li> <li>Summary of Current Events</li> <li>Liquor license applications</li> <li>Consent Agenda</li> </ul> | <ul style="list-style-type: none"> <li>Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.</li> <li>Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.</li> <li>Other Mayor and Council business as listed on the agenda for the meeting.</li> </ul> |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Kathleen Dunbar – Vice Mayor**

#### Council Members

<b>José J. Ibarra</b>	<b>Ward 1</b>	<b>Shirley C. Scott</b>	<b>Ward 4</b>
<b>Carol W. West</b>	<b>Ward 2</b>	<b>Steve Leal</b>	<b>Ward 5</b>
<b>Kathleen Dunbar</b>	<b>Ward 3</b>	<b>Fred Ronstadt</b>	<b>Ward 6</b>

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
 Wednesdays – 9:00 p.m.                      Thursdays – 9:00 a.m.                      Sundays – 9:00 a.m.  
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

## REGULAR MEETING

**TUESDAY, JUNE 14, 2005 – 5:30 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Pastor Ben Shunko, Beginnings Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

a. Report from City Manager JUNE14-05-319 CITY-WIDE

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

a. Report from City Manager JUNE14-05-320 CITY-WIDE

## 5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUNE14-05-328 CITY-WIDE
- b. Liquor License Applications

### New License

- 1. Zivaz Mexican Bistro, Ward 6  
4590 E. Broadway Blvd.  
Applicant: Felipe Bours Valenzuela  
Series 12, City 33-05  
Action must be taken by: June 17, 2005

Staff has indicated the applicant is in compliance with city requirements.

- 2. Sky Blue Wasabi Restaurant, Ward 6  
250 S. Craycroft, Suite 100  
Applicant: Kim Chu  
Series 12, City 38-05  
Action must be taken by: June 24, 2005

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

- c. Special Event

- 1. It's Happening Downtown, Inc., Ward 6  
26-56 E. Congress Street  
Applicant: Barbara A. Zelano  
City T49-05  
Date of Event: June 18, 2005  
Community Cultural Event

Staff has indicated the applicant is in compliance with city requirements.

**6. CONSENT AGENDA – ITEMS A THROUGH H**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

**7. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

**8. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE**

- a. Report from City Manager JUNE14-05-326 CITY-WIDE
- b. Truth in Property Taxation Public Hearing

**9. PUBLIC HEARING: 2006 BUDGET AS TENTATIVELY ADOPTED ON JUNE 7, 2005**

- a. Report from City Manager JUNE14-05-335 CITY-WIDE
- b. Hearing. This is the second of two public hearings held on the City’s Fiscal Year 2006 Budget. At the close of this public hearing the Mayor and Council will convene a duly noticed and called special meeting for the purpose of finally adopting the Fiscal Year 2006 Budget.

**AT THIS TIME THE MAYOR AND COUNCIL**  
**WILL RECESS THE REGULAR MEETING AND**  
**CONVENE A SPECIAL MEETING FOR THE**  
**PURPOSE OF BUDGET ADOPTION**

## RECONVENE THE REGULAR SESSION

### ROLL CALL

#### 10. ZONING: (C9-03-24) ABRAMS/ACEDO – 4TH STREET, R-1/R-2 TO R-2, ORDINANCE ADOPTION

- a. Report from City Manager JUNE14-05-321 WARD 6
- b. Ordinance No. 10162 relating to zoning: amending zoning district boundaries in the area located on the south side of 4th Street between Richey Boulevard and Dodge Boulevard in Case C9-03-24, Abrams/Acedo – 4<sup>th</sup> Street, R-1/R-2 to R-2; and setting an effective date.

#### 11. ZONING: (C9-05-03) CAYLOR – SPEEDWAY BOULEVARD, R-1 TO O-1, CITY MANAGER’S REPORT

- a. Report from City Manager JUNE14-05-322 WARD 2
- b. Report from Zoning Examiner dated May 27, 2005
- c. Request to rezone approximately 2.16 acres from R-1 (Residential – Single-family) to O-1 (Low Intensity Office) zoning. Applicant: Robert Caylor, on behalf of the property owners, Leon Thikoll and Richard Krasnick.

The rezoning site is located at the southeast corner of Speedway Boulevard and Barbara Worth Drive. The applicant proposes to construct a 22,000 square foot, one-story office structure on 2.16 acres.

Planning Considerations: The proposed rezoning request is in compliance with policies in the *Sewell/Hudlow Neighborhood Plan* and the *General Plan*. Authorization of the requested O-1 zoning should be subject to compliance with the attached recommended conditions which are intended to ensure the site is designed in compliance with the compatibility requirements of the O-1 zone.

The Zoning Examiner recommends approval of the O-1 zoning. The City Manager recommends approval of the O-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated March 7, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Vehicular access from Barbara Worth Avenue is not permitted.

3. A traffic statement is required.
4. The owner/developer shall design and construct curb and sidewalk along the site frontage on Barbara Worth Drive.
5. Detailed elevations, typical sections of the perimeter screen wall, the proposed color palette, and a written description of the building(s) should be submitted with the development plan.
6. The design of the façade of the building should reduce the apparent scale of the building.
7. Building façades at the rear and sides of the building shall be designed with attention to architectural character and detail comparable to the front façade.
8. The building scale of new construction must complement, rather than be dominant in scale to adjacent residential development.
9. Mechanical equipment located on the roof must be screened with material similar or complementary to those of the principal structure, or located at ground level and screened from the street with material similar to those of the principal structure.
10. Covered parking shall be located in substantial compliance with the “Covered Parking Location” exhibit dated May 5, 2005.
11. The screen wall along the west property line shall be a minimum of 36 inches tall.
12. Maximum building height shall be 16 feet.
13. Additional landscaping, above that required per the *Land Use Code*, shall be provided along Barbara Worth Avenue.
14. All walls visible from a public right-of-way or open space, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations. Existing walls abutting residential development at 6432 East Speedway Boulevard and 6421 East Marta Hillgrove are to be treated with graffiti-resistant stucco including an accent treatment similar to the new walls constructed for the remainder of the project.

15. Four (4) inch fence block shall not be used for perimeter walls.
16. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
17. Design of the exterior lighting should minimizes spillover light on abutting resident properties, exterior lighting shall be mounted no higher than 17 feet, measured to the light source. Pole mounted lighting is not permitted, other than maximum 30 inch tall bollard or similar area lighting.
18. All outdoor lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
19. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
20. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
21. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Ten (10) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on May 12, 2005.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**12. ZONING: (C15-04-02) ESTABLISHING ORIGINAL CITY ZONING FOR THE RINCON HEIGHTS ANNEXATION DISTRICT, COUNTY RH TO CITY RH, EXTENSION OF HILLSIDE DEVELOPMENT ZONE (HDZ), EXTENSION OF WATERCOURSE, AMENITIES, SAFETY, AND HABITAT (WASH), CITY MANAGER'S REPORT AND ORDINANCE ADOPTION**

- a. Report from City Manager JUNE14-05-334 WARD 4
- b. Report from Zoning Examiner dated May 27, 2005
- c. Request to zone approximately 168 acres from County RH (Rural Homestead) zoning to City RH (Rural Homestead) zoning. This is a request to establish original City zoning.

The zoning site is generally located on the west side of the Pantano Wash north of Rancho del Lago. No new development is proposed.

The Zoning Examiner recommends approval of the RH zoning extending the Hillside Development Zone (HDZ), and extending the Watercourse, Amenities, Safety, and Habitat (WASH) Ordinance. The City Manager recommends adoption of the proposed ordinance establishing the City RH zoning, extending the Hillside Development Zone (HDZ), and extending the Watercourse, Amenities, Safety, and Habitat (WASH) Ordinance.

Three (3) written approvals and two (2) written protests were received. The protests are outside the 150 foot protest area, resulting in a zero (0) percent protest in all four directions.

- d. Ordinance No. 10164 relating to zoning; establishing original City zoning for approximately 168 acres generally located on the west side of the Pantano Wash north of Rancho del Lago, which was annexed to the City of Tucson by Ordinance No. 10130, adopted on March 22, 2005; and setting an effective date.

A simple majority vote will be necessary to pass and adopt the ordinance.

**13. ZONING: (C9-04-06) EL RANCHO MERLITA – WRIGHTSTOWN ROAD, SR TO RX-2, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF JUNE 7, 2005)**

- a. Report from City Manager JUNE14-05-332 WARD 2
- b. Ordinance No. 10156 relating to zoning: amending zoning district boundaries in the area located on the south side of Wrightstown Road between Sarnoff Drive and Camino Seco Road in Case C9-04-06, El Rancho Merlita – Wrightstown Road, SR to RX-2; and setting an effective date.

**14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager JUNE14-05-327 CITY-WIDE

**15. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 21, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.